

ESTTA Tracking number: **ESTTA747419**

Filing date: **05/19/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Nordic Aviation Capital A/S		
Entity	public limited company	Citizenship	Denmark
Address	Stratusvej 12 Billund, DK-7190 DENMARK		

Attorney information	Terrence J. McAllister Ohlandt, Greeley, Ruggiero & Perle, LLP One Landmark Square, 10th Floor Stamford, CT 06901 UNITED STATES trademark@ogrp.com, tmcallister@ogrp.com, jscepanski@ogrp.com Phone:2033274500
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Registration Subject to Cancellation

Registration No	3900693	Registration date	01/04/2011
Registrant	Barnhill Aviation, LLC 1320 E. 26th Place Sanford, FL 32773 UNITED STATES		

Goods/Services Subject to Cancellation

Class 039. First Use: 1992/12/07 First Use In Commerce: 2007/07/01 All goods and services in the class are cancelled, namely: Air charter services; Air charter transportation services
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Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	Petition to Cancel - NAC.pdf(108991 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Terrence J. McAllister/
Name	Terrence J. McAllister

Date	05/19/2016
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Registration No. 3900693, NAC
Registration Date: January 4, 2011

Nordic Aviation Capital A/S,

Petitioner,

Cancellation No.: _____

vs.

Barnhill Aviation, LLC,

Respondent.

PETITION FOR CANCELLATION

Nordic Aviation Capital A/S (“Petitioner”) is a Denmark public limited company with a business address at Stratusvej 12, Billund DK-7190, Denmark. Petitioner believes that it is damaged by Registration No. 3900693 (the “Registration”) for the mark NAC (the “cited Mark”) for “Air charter services; Air charter transportation services” in International Class 39, registered January 4, 2011, and petitions to cancel said Registration as set forth herein.

1. Petitioner is the owner of pending Application No. 79/179517 for the mark NAC (“Petitioner’s Mark”) that includes the identification of services “Leasing and rental of aircraft” in International Class 39 (“Petitioner’s Application”);
2. The owner of the Registration is identified as the now dissolved Florida limited liability company Barnhill Aviation, LLC with a last known business address of 1320 E. 26th Place, Sanford, Florida 32773 (“Respondent”);
3. The Registration has been cited against the identification of services “Leasing and rental of aircraft” in International Class 39 in Petitioner’s Application on the basis

that there is a likelihood of confusion under Section 2(d) of the Trademark Act between Petitioner's Mark and the cited Mark;

4. Upon information and belief, Respondent was administratively dissolved on September 27, 2013;

5. Upon information and belief, Respondent is not using the cited Mark in commerce in connection with the services listed in the Registration;

6. Upon information and belief, Respondent discontinued use of the cited Mark in commerce in connection with the services listed in the Registration, with no intent to resume use of the cited Mark in commerce in connection with the services listed in the Registration;

7. Upon information and belief, Respondent has not used the cited Mark in commerce in connection with the services listed in the Registration for more than three consecutive years, with no intent to resume use of the cited Mark in commerce in connection with the services listed in the Registration;

8. Upon information and belief, Respondent has abandoned the cited Mark as defined in Section 45 of the Trademark Act, 15 U.S.C. § 1127;

9. Petitioner has been and will continue to be damaged by continuance of the Registration, since Petitioner will be unable to register Petitioner's Mark on the Principal Register and obtain the benefits, advantages, and presumptions granted by registration on the Principal Register;

WHEREFORE, Petitioner prays that this Petition for Cancellation be granted and that Registration No. 3900693 be cancelled.

Please direct all correspondence to the undersigned at the address listed below.

Respectfully submitted,

Nordic Aviation Capital A/S

Date: May 19, 2016

By: /Terrence J. McAllister/

Terrence J. McAllister

Jeffrey J. Scepanski

Ohlandt, Greeley, Ruggiero & Perle, LLP

One Landmark Square, 10TH Floor

Stamford, Connecticut 06901-2682

Tel: (203) 327-4500 / Fax: (203) 327-6401

File No.: 0011311USL1

ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Petition for Cancellation has been served on Barnhill Aviation, LLC by mailing said copy on May 19, 2016, via First Class Mail, postage prepaid to:

Barnhill Aviation, LLC
1320 E. 26th Place
Sanford, FLORIDA 32773

/Jeffrey J. Scepanski/
Jeffrey J. Scepanski